

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE PERMANENT
PLACEMENT OF A MOBILE HOME IN THE A-1 (AGRICULTURE DISTRICT)
AT 2931 SIMMONS ROAD; (PATRICIA C. SIMMONS & BANITA J. BORDERS,
APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 08-26-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-1 (AGRICULTURE DISTRICT) AT 2931 SIMMONS ROAD; (PATRICIA C. SIMMONS & BANITA J. BORDERS, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE PERMANENT PLACEMENT OF A MOBILE HOME IN THE A-1 (AGRICULTURE DISTRICT) AT 2931 SIMMONS ROAD; (PATRICIA C. SIMMONS & BANITA J. BORDERS, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District # 1, Maloy)

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	PATRICIA C. SIMMONS & BANITA J. BORDERS, APPLICANTS 3931 SIMMONS ROAD OVIEDO, FL 32762	A-1 DISTRICT, LDC SECTIONS 30.43(b)(2), 30.124(a), & 30.124(b)(18)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS REQUEST APPROVAL FOR THE PERMANENT PLACEMENT OF AN EXISTING MOBILE HOME IN THE A-1 DISTRICT. • THE EXISTING MOBILE HOME WAS APPROVED FOR A PERIOD OF 20 YEARS BY THE BOARD OF COUNTY COMMISSIONERS (BCC) ON SEPTEMBER 27, 1994 UPON APPEAL, AFTER THE BOARD OF ADJUSTMENT (BOA) DENIED A REQUEST FOR PERMANENT MOBILE HOME PLACEMENT ON JUNE 27, 1994. • THE TEMPORARY OR PERMANENT OCCUPANCY OF A MOBILE HOME IN THE A-1 DISTRICT IS PERMITTED ONLY BY SPECIAL EXCEPTION. 	

ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	A-1	LDR	MOBILE HOME
	NORTH	A-1	LDR	SINGLE-FAMILY
	SOUTH	PUD	LDR	VACANT
	EAST	A-1	LDR	MOBILE HOME
	WEST	R-1AA	LDR	VACANT
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>THE CONTINUED PLACEMENT OF THE EXISTING MOBILE HOME BEYOND THE 20 YEAR APPROVAL PERIOD WOULD NOT BE COMPATIBLE WITH THE ESTABLISHED TREND OF LOW-DENSITY SINGLE-FAMILY DEVELOPMENT TO THE NORTH (TWIN RIVERS) AND SOUTH (WOODLAND ESTATES).</p> <p>AVAILABLE RECORDS INDICATE THAT SEVERAL PARCELS WITHIN WOODLAND ESTATES HAVE MOBILE HOMES, BUT THE BOA HAS TYPICALLY APPROVED THE SAME FOR 2-YEAR INCREMENTS. THE TREND OF DEVELOPMENT IS DEPICTED ON THE ATTACHED MAP ENTITLED, "TREND OF DEVELOPMENT."</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>SINCE THE EXISTING USE IS A SINGLE-FAMILY UNIT THAT WOULD NOT BE HIGHLY INTENSIVE IN NATURE, STAFF DOES NOT BELIEVE IT WOULD ADVERSELY IMPACT ADJOINING TRANSPORTATION FACILITIES.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>WHILE THE REQUEST WOULD BE CONSISTENT WITH THE TREND OF LOW-DENSITY SINGLE-FAMILY LAND USE ESTABLISHED IN THIS AREA, THE TREND OF IMMEDIATE DEVELOPMENT HAS LARGELY INCLUDED CONVENTIONAL SINGLE-FAMILY HOMES. FOR THIS REASON, THE PERMANENT PLACEMENT OF A MOBILE HOME WOULD BE INCONSISTENT WITH THE TREND OF ESTABLISHED LAND USE IN THIS AREA.</p>			

	<p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p> <p>THE SUBJECT PROPERTY IS A 2.5 ACRE PARCEL THAT DOES NOT HAVE STREET ACCESS. SINCE THE OWNER OF RECORD IS THE SAME FOR THE SUBJECT PROPERTY AND THE ABUTTING PROPERTY TO THE WEST, WHERE STREET ACCESS IS PROVIDED FROM SIMMONS ROAD, STAFF BELIEVES SATISFACTORY AND PERMANENT ACCESS WOULD BE ASSURED BY THE EXISTING DRIVEWAY FROM SIMMONS ROAD.</p> <p>THE SUBJECT PROPERTY COMPRISES ONE OF THREE (3) ADJOINING TRACTS, INCLUDING LOTS 6D, 6E & 6J AS DEPICTED ON THE ATTACHED VICINITY MAP. THE EXISTING MOBILE HOME WAS APPROVED TO OCCUPY LOT 6E AS COMBINED UNDER SINGLE OWNERSHIP WITH LOTS 6D & 6J, WHERE THE MINIMUM YARD REGULATIONS OF THE A-1 DISTRICT COULD BE COMPLIED WITH. THE LOT OTHERWISE MEETS THE MINIMUM SIZE REQUIREMENT OF THE A-1 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>THE SUBJECT PROPERTY IS CURRENTLY OCCUPIED BY A MOBILE HOME, APPROVED NEARLY EIGHT (8) YEARS AGO BY THE BCC. WITH THE EXCEPTION OF THE ABUTTING VACANT TRACTS, THE TREND OF DEVELOPMENT IN THE AREA HAS LARGELY INCLUDED CONVENTIONAL, SINGLE-FAMILY HOMES. IN LIGHT OF THIS, STAFF BELIEVES THE PERMANENT PLACEMENT OF THE PROPOSED USE WOULD EVENTUALLY BECOME INCONSISTENT WITH THE CHARACTER OF SINGLE-FAMILY HOMES IN THE AREA.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT); LDC SECTION 30.124(a)</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT) UPON MAKING FINDINGS OF FACT, IN ADDITION TO THOSE REQUIRED BY SECTION 30.43(B)(2) OF THE LAND DEVELOPMENT CODE, THAT THE USE:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE DISTRICT):</u></p> <p>THE PERMANENT PLACEMENT OF THE EXISTING MOBILE HOME WOULD BE A CONDITIONAL USE IN THE A-1 DISTRICT. THE EXISTING MOBILE HOME COMPLIES WITH THE SITING STANDARDS ENUMERATED IN SECTION 30.124(B)(18) OF THE LAND DEVELOPMENT CODE, WHICH ARE INTENDED TO MINIMIZE POTENTIAL INCOMPATIBILITY WITH NEARBY CONVENTIONAL SINGLE-FAMILY HOMES. IF NOT FOR THE EXISTENCE OF MOSTLY CONVENTIONAL SINGLE-FAMILY</p>

	<p>DEVELOPMENT IN THE AREA, A MOBILE HOME OF THE TYPE PROPOSED WOULD TYPICALLY BE CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 DISTRICT.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>THE REQUEST IS NOT HIGHLY INTENSIVE IN NATURE, AS THE EXISTING MOBILE HOME IS PERMITTED FOR SINGLE-FAMILY OCCUPANCY.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>THE SUBJECT PROPERTY IS SERVED BY ON-SITE SEPTIC AND WELL SYSTEMS. OTHER COUNTY SERVICES, INCLUDING SCHOOLS AND EMERGENCY SERVICES, ARE ALSO AVAILABLE TO THE SITE.</p>
<p>MOBILE HOME AS A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE DISTRICT); LDC SECTION 30.124(b)(18)</p>	<p>A MOBILE HOME MAY BE PERMITTED AS A SPECIAL EXCEPTION ON A LOT OR PARCEL OF RECORD IN THE A-1 (AGRICULTURE DISTRICT), SUBJECT TO THE FOLLOWING REQUIREMENTS:</p> <ul style="list-style-type: none">○ ONLY ONE (1) SINGLE-FAMILY MOBILE HOME SHALL OCCUPY THE SITE, AS SHOWN ON THE PROPOSED SITE PLAN. THE LOCATION OF THE EXISTING MOBILE HOME IS CONSISTENT WITH THE SAME.○ THE PROPOSED MOBILE HOME SHALL BEAR THE FLORIDA STANDARDS SEAL, WHICH WOULD CONFIRM COMPLIANCE WITH STANDARDS PROMULGATED BY THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT. THE EXISTING MOBILE HOME BEARS THIS SEAL.○ THE PROPOSED MOBILE HOME SHALL CONFORM TO THE MINIMUM DIMENSIONAL STANDARDS OF THE A-1 DISTRICT; BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD COMPLY WITH THOSE STANDARDS, AS EXPLAINED ELSEWHERE IN THIS REPORT.○ THE APPLICANTS HAVE A PERMIT FROM THE SEMINOLE COUNTY HEALTH DEPARTMENT (ENVIRONMENTAL HEALTH SECTION) FOR THE EXISTING ON-SITE SEPTIC SYSTEM.○ THE EXISTING MOBILE HOME OTHERWISE CONFORMS TO APPLICABLE BUILDING CODES, WHICH INCLUDE STANDARDS FOR ANCHORING AND SKIRTING.
<p>STAFF FINDINGS:</p>	<p>SPECIAL EXCEPTIONS WITHIN ANY ZONING DISTRICT ARE GENERALLY GRANTED PERMANENTLY. HOWEVER, WITH RESPECT TO MOBILE HOMES, SECTION 30.123 OF THE LAND DEVELOPMENT CODE PROVIDES THE ABILITY FOR THE BOA</p>

IN ITS SOUND DISCRETION TO PLACE REASONABLE CONDITIONS AND LIMITATIONS, WHICH ARE NECESSARY TO PROTECT THE CHARACTER OF AN AREA AND ARE IN FURTHERANCE OF THE PUBLIC INTEREST. THEREFORE, THE BOA SHOULD GIVE PRIMARY CONSIDERATION TO EITHER GRANTING PERMANENT STATUS OR DENYING THE REQUEST, BASED UPON THE FOLLOWING FACTORS:

COMPATIBILITY;

AT THE TIME THE EXISTING MOBILE HOME WAS APPROVED BY SPECIAL EXCEPTION IN 1994, STAFF RECOMMENDED APPROVAL OF THE REQUEST FOR A PERIOD NOT TO EXCEED TWENTY (20) YEARS.

STAFF BELIEVED THE SUBJECT PROPERTY'S LOCATION AT THE END OF A PRIVATE ROAD, IN COMBINATION WITH ITS SIZE AND THE COMMITMENT BY THE APPLICANT TO PLACE A NEW DOUBLEWIDE MOBILE HOME WITH FEATURES (SHINGLED ROOF, SIDING TO THE GROUND, ETC.) AKIN TO A CONVENTIONAL SINGLE-FAMILY HOME WOULD MINIMIZE THE POTENTIAL FOR ADVERSE IMPACTS TO SINGLE-FAMILY HOMES IN THE AREA.

STAFF'S RECOMMENDATION FOR TEMPORARY PLACEMENT WAS INTENDED TO ALLOW THE LONG-TERM MONITORING OF DEVELOPMENT TRENDS IN THE AREA, PURSUANT TO THE IDENTIFICATION OF A PREDOMINATE SINGLE-FAMILY LAND USE TYPE. STAFF BELIEVED 20 YEARS WOULD BE A REASONABLE TIME PERIOD FOR A CLEARLY ESTABLISHED SINGLE-FAMILY LAND USE TYPE TO EMERGE, WHICH WOULD DETERMINE THE APPROPRIATENESS OF PERMANENT MOBILE HOME PLACEMENT ON THE SUBJECT PROPERTY.

DEVELOPMENT TRENDS IN THE AREA (CONVENTIONAL VS. MOBILE HOMES); AND

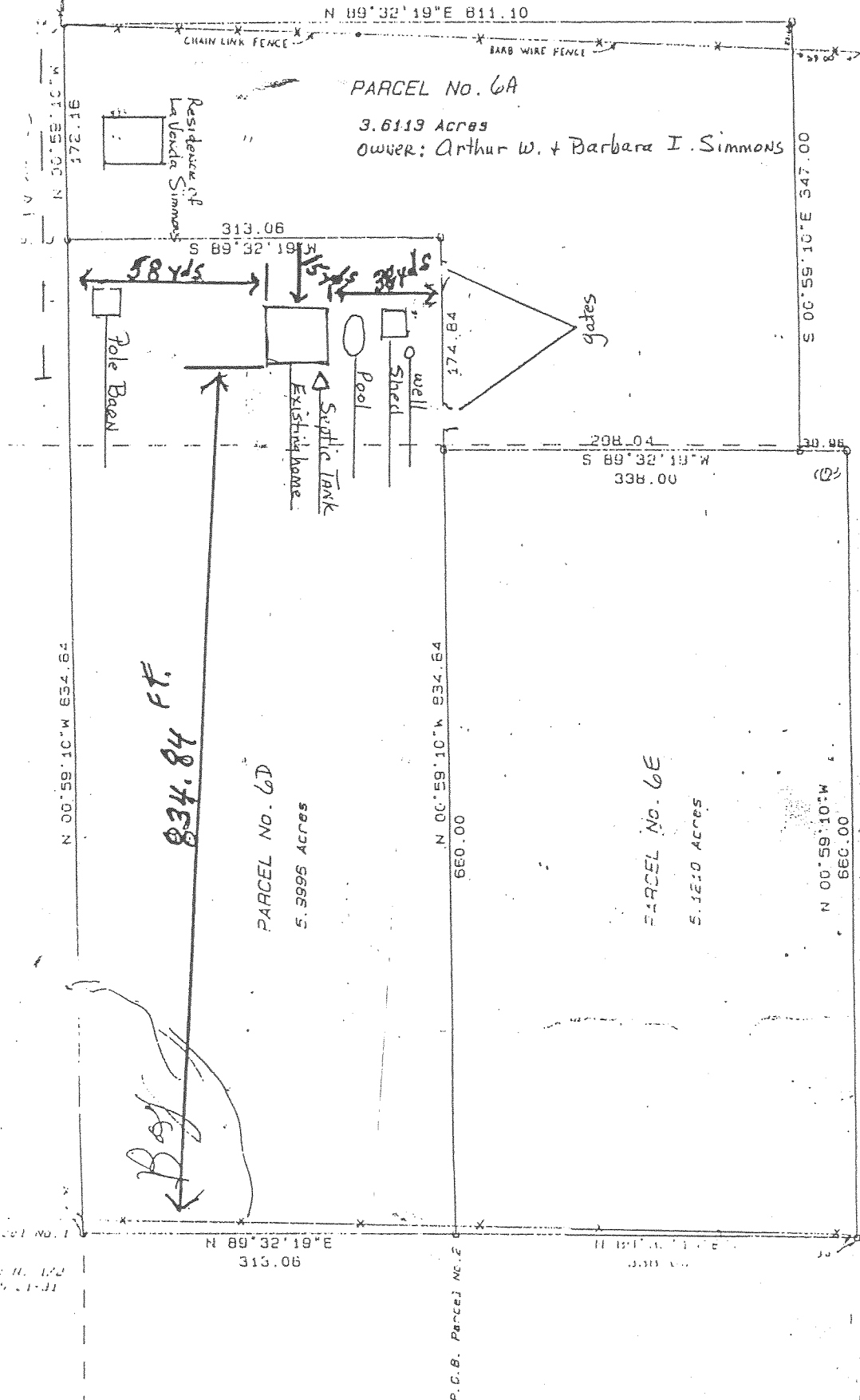
SINCE 1994, DEVELOPMENT TRENDS IN THE AREA HAVE LARGELY COMPRISED CONVENTIONAL HOMES WITH A DECLINING NUMBER OF MOBILE HOMES AS TEMPORARY OCCUPANCY PERMITS (MOBILE HOME SPECIAL EXCEPTIONS) HAVE EXPIRED.

PREVIOUS BOA DECISIONS

AS PREVIOUSLY STATED, THE EXISTING MOBILE HOME WAS APPROVED FOR A PERIOD OF 20 YEARS BY THE BOARD OF COUNTY COMMISSIONERS (BCC) ON SEPTEMBER 27, 1994 UPON APPEAL, AFTER THE BOARD OF ADJUSTMENT (BOA) DENIED A REQUEST FOR PERMANENT

	<p>MOBILE HOME PLACEMENT ON JUNE 27, 1994.</p> <p>AVAILABLE RECORDS SUGGEST THE BOA HAS LARGELY REGARDED THE IMMEDIATE VICINITY (THE AREA BETWEEN TWIN RIVERS AND WOODLAND ESTATES) AS AN AREA IN TRANSITION TOWARD CONVENTIONAL, SITE-BUILT, SINGLE-FAMILY HOUSING. FOR THIS REASON, SEVERAL MOBILE HOME REQUESTS HAVE BEEN DENIED BY THE BOA AND SUBSEQUENTLY APPROVED BY THE BCC UPON APPEAL FOR LIMITED TIME PERIODS.</p>
<p>STAFF RECOMMENDATION:</p>	<p>FOR THE REASONS STATED ABOVE, INCLUDING THE TREND OF CONVENTIONAL SINGLE-FAMILY DEVELOPMENT IN THE AREA AND THE BCC'S HISTORY OF IMPOSING REASONABLE RESTRICTIONS (TIME LIMITS) ON MOBILE HOME OCCUPANCY PERMITS ON NEARBY SITES TO PROTECT NEIGHBORHOOD CHARACTER, STAFF RECOMMENDS DENIAL OF THIS REQUEST.</p> <p>THE APPLICANT RETAINS THE RIGHT TO PETITION THE BOA FOR THE RENEWAL OF THE EXISTING 20-YEAR MOBILE HOME OCCUPANCY PERMIT PRIOR TO THE EXPIRATION OF THE SAME ON SEPTEMBER 27, 2014. AT THAT TIME, THE TREND OF DEVELOPMENT IN THAT AREA WOULD BE REEXAMINED TO DETERMINE THE APPROPRIATENESS OF PERMANENT MOBILE HOME PLACEMENT.</p>

2931 Simmons Road
Oviedo, FL 32765



MOBILE HOME
APPLICATION TO THE BOARD OF ADJUSTMENT
SEMINOLE COUNTY

COPY

PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771
Phone: (407) 665-7444 Fax: 665-7385

☐ NEW APPLICATION ☐ Existing (Undocumented)
☒ RENEWAL
☐ REINSTATEMENT
☐ MEDICAL HARDSHIP

APPLICANT: Borders/Simmons (Patricia J. Borders, Patricia Simmons)

MAILING ADDRESS: PO Box 622161

CITY: Duiedo STATE: FL ZIP CODE: 32762-2161

PHONE: WORK (407) 365-4742 HOME (407) 366-5008 FAX: (407) 366-5008

OWNER OF PROPERTY: Borders/Simmons

STREET ADDRESS OF SUBJECT PROPERTY: 2935 Simmons Rd, Duiedo, FL
32765

TAX PARCEL I.D. NUMBER: 25-21-31-300-006E-0000

LEGAL DESCRIPTION OF PROPERTY: Sec 25 TWP 21S RGE 31E beginning 3.13.06 FTE
of SW COR of N 1/2 of SE 1/4 of SE 1/4 RAN E 338 FT N 660 FT W 338 FT
S 660 FT to beg. PAD: 2935 SIMMONS RD.

DIRECTIONS TO PROPERTY: See attached

LOT SIZE: 2.5 ACRES

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. The Mobile home is: ☒ Existing ☐ Proposed ☐ Replacement of existing mobile home
2. Who is the mobile home for? OWNERS OF PROPERTY
3. Year of mobile home: 1995 Size of mobile home 28x69'4" / 14x24
4. Anticipated length of time mobile home is needed: PERMANENT
5. Are you planning to build? N/A If so, when? N/A

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING SUBMITTALS:

- ☐ Application fee.
- ☐ Copy of site plan indicating the information requested on page 3.
- ☐ Copy of legal description from Property Appraisers Office with the tax parcel I.D. no.
- ☐ Letter of Authorization from the property owner granting permission to apply for the Special Exception.
- ☐ Medical Hardship applications shall be accompanied by a letter from a doctor substantiating the illness.

NOTE: Completion of the application form is considered to be of importance. Careful thought and correct answers should be given since many of the same questions may be asked at the hearing.

SIGNATURE OF APPLICANT: Patricia J. Borders DATE: 8/4/03

FOR OFFICE USE ONLY

FURTHER DESCRIBED AS: _____

ZONING DISTRICT: A-1

FLOOD PRONE REVIEW: _____ LOT SIZE / WIDTH VARIANCE: yes / no

PROCESSING:

FEE: _____ DATE _____ RECEIPT NO. _____

A. LEGAL AD TO NEWSPAPER _____ / _____ D. BOARD ACTION / DATE _____ / _____

B. PLACARDS / NOTICE _____ / _____ E. LETTER TO APPLICANT _____

C. NOTICE TO PROPERTY OWNERS _____

COMMENTS: _____

Past Applications:

1. _____
2. _____
3. _____
4. _____

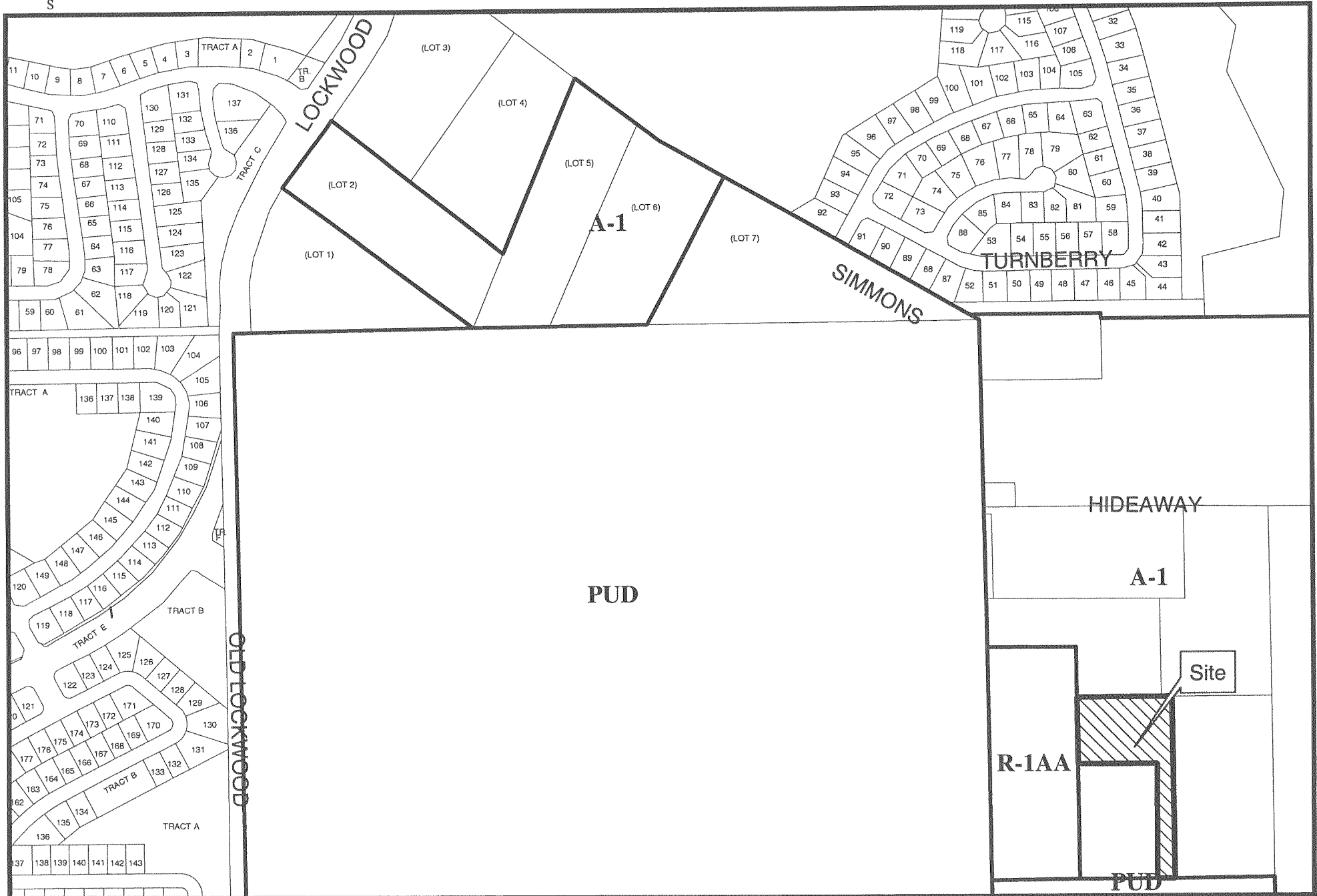
COMMISSION DISTRICT: 1

FILE NO. Rm 2003-013

MEETING DATE Aug. 25, 2003



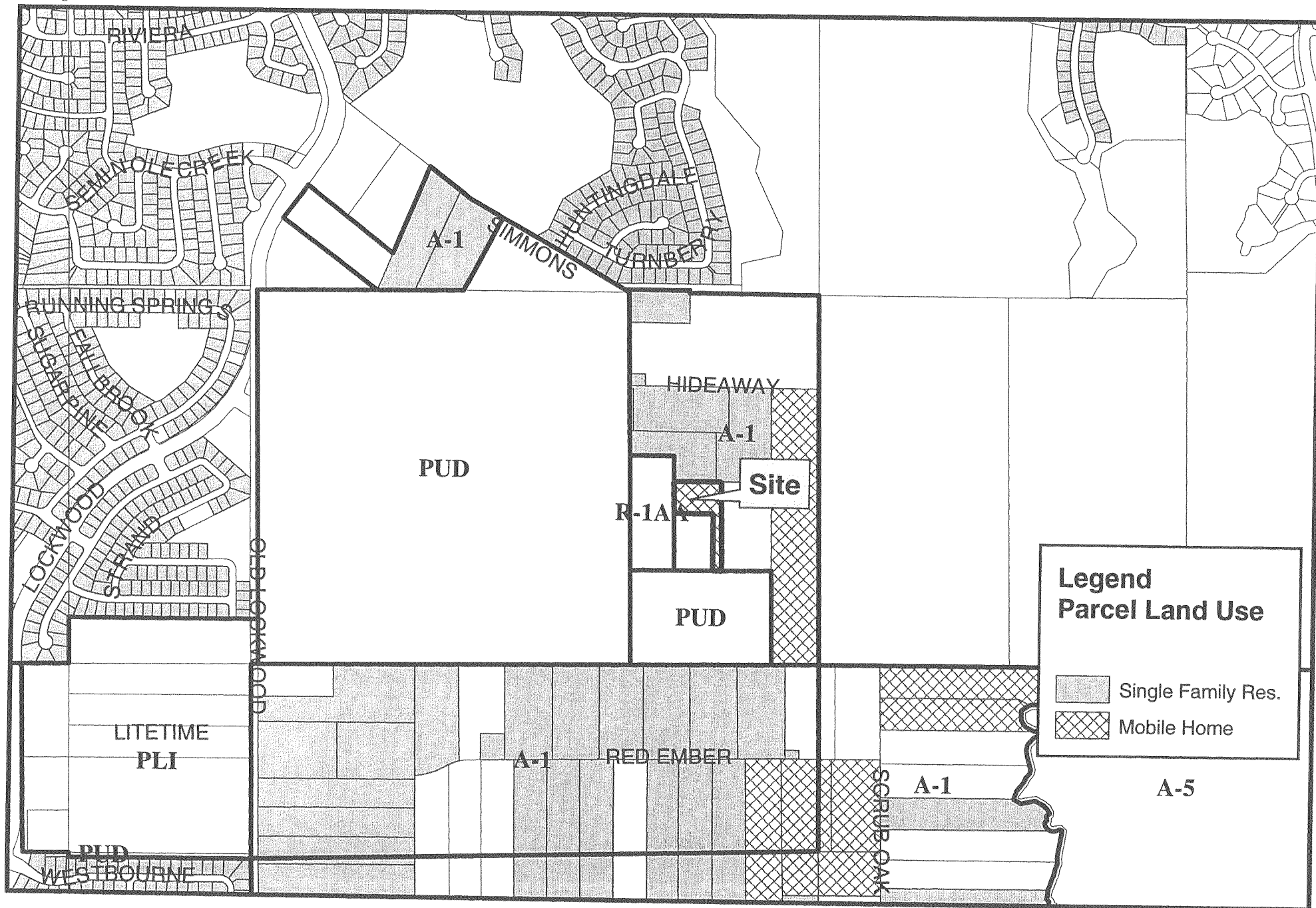
Patricia Simmons, Banita Borders 2931 Simmons Road



0 225 450 900 Feet



Patricia Simmons, Banita Borders 2931 Simmons Road



Legend Parcel Land Use

- Single Family Res.
- Mobile Home

0 225 450 900 Feet